

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN A. GREEN,

Plaintiff,

v.

STEVEN T. CHVALA, *et al.*,

Defendants.

ORDER

12-cv-761-wmc
App. No. 13-3568

State inmate Steven Green filed this civil action pursuant to 42 U.S.C. § 1983, alleging that excessive force was used during his arrest. In a judgment entered on October 11, 2013, the court denied Green's request for leave to proceed and dismissed this case for failure to state a claim upon which relief could be granted. On November 15, 2013, the court received a notice of appeal dated the "8th day of October, 2013," in an envelope that is post-marked November 13, 2013. (Dkt. # 11). Green now seeks leave to proceed with that appeal without prepayment of the \$505.00 docketing fee. (Dkt. # 15).

From the financial information that Green provides, the court finds that he lacks sufficient means to pre-pay the \$505.00 appellate docketing fee. Because it does not appear that Green has filed his appeal in bad faith or that pauper status is otherwise precluded by Fed. R. App. P. 24(a), the court will grant his motion for leave to proceed *in forma pauperis*.

To proceed, Green must make an initial partial payment of \$9.00 within twenty days of the date of this order. Thereafter, prison officials will deduct the balance of the appellate docketing fee in monthly installments when the funds are available in accordance with the formula found in the PLRA, 28 U.S.C. § 1915(b)(2), until the entire amount is paid.

ORDER

IT IS ORDERED that:

1. Having certified that the appeal is not taken in bad faith, Fed. R. App. P. 24(a), the request by plaintiff Steven A. Green for leave to proceed *in forma pauperis* on appeal (Dkt. # 15) is GRANTED.
2. For his appeal to proceed, Green must make an initial partial payment of \$9.00 within **twenty (20) days** of the date of this order. Green is advised that if he does not comply as directed, the clerk of court will alert the Seventh Circuit, which may result in the dismissal of his appeal.
3. Whether or not Green makes his initial partial fee payment as instructed, prison officials are directed to deduct the balance of the appellate docketing fee in monthly installments when the funds are available in accordance with the formula found in the PLRA, 28 U.S.C. § 1915(b)(2), and forward those installments to the Clerk of Court until the entire appellate docketing fee (\$505.00) is paid.

Entered this 6th day of January, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge